



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q61689

Takayuki USUI, et al.

Appln. No.: 09/788,351

Group Art Unit: 1772

Confirmation No.: 1061

Examiner: Walter AUGHENBAUGH

Filed: February 21, 2001

For: **PLANOGRAPHIC PRINTING PLATE PACKAGING MATERIAL AND  
PLANOGRAPHIC PRINTING PLATE PACKAGING STRUCTURE**

**DECLARATION UNDER 37 C.F.R. § 1.132**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Takayuki Usui, hereby declare and state:

THAT I am a citizen of Shizuoka-ken, Japan;

THAT I have received the degree of Masters in Mechanical Engineering in March, 1998 in  
from the Graduate School of Science and Engineering of the University of Saitama in Japan;

THAT I have been employed by FUJI PHOTO FILM, CO., LTD. since 1998 as Chief  
Engineer with responsibility for the Production Department;

I am familiar with the Office Action of September 22, 2005, where the Examiner  
considered claims 1-24 and 26-29 unpatentable under 35 U.S.C. § 103(a). Specifically, claims 1-  
24 and 26-29 are rejected as follows:

a) claims 1, 2, 7-10, 13-16, 18-22, and 24-27 are rejected under 35  
U.S.C. § 103(a) as being unpatentable over U.S. Patent No.  
6,130,023 to Coppens et al. (hereinafter "Coppens") in view of

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U.S. Patent No. 4,376,816 to Hayashi et al. (hereinafter "Hayashi")  
and U.S. Patent No. 6,306,254 to Usui (hereinafter "Usui");

b) claims 3, 5, 11, and 17 are rejected under 35 U.S.C. § 103(a) as  
being unpatentable over Coppens, Hayashi, and Usui in view of  
Japanese Patent Abstract No. 03036545 to Goto et al. (hereinafter  
"Goto");

c) claims 4, 6, and 12 are rejected under 35 U.S.C. § 103(a) as  
being unpatentable over Coppens, Hayashi, and Usui in view of  
U.S. Patent No. 5,729,962 to Dirx (hereinafter "Dirx") and  
Japanese Patent No. 8-39958 to Usui et al. (hereinafter "Usui 2");

d) claim 23 is rejected under 35 U.S.C. § 103(a) as being obvious  
over Coppens and Hayashi in view of U.S. Patent No. 3,767,451 to  
Busch (hereinafter "Busch"); and

e) claims 28 and 29 are rejected under 35 U.S.C. § 103(a) as being  
obvious over Coppens in view of Hayashi.

I report below on experimentation conducted by me or directly under my supervision.

**1. Density and Air Permeability of a Printing Plate do not Correlate.**

Data in the following table is provided as evidence that there is no correlation or interrelationship  
between density and air permeability. The data provided in this table was obtained according to JIS P  
8118 (ISO 534:1998) and that of air permeability was obtained according to Japanese Industrial  
Standard of Pulp and Paper (hereinafter "JIS P") 8117 (International Organization Standard (hereinafter  
"ISO") 3687:1976).

Specifically, U.S. Patent No. 6,306,254 to Usui (hereinafter "Usui") discloses a density of  
 $0.8 \text{ g/cm}^3$  (col. 2, lines 58 to 62). Accordingly, I have taken a printing plate such as the one  
disclosed in Usui having a density of  $0.8 \text{ g/cm}^3$  and obtained various air permeability characteristics  
(in sec) while keeping the density the same. Different air permeability characteristics were obtained  
according to JIS P 8117. Therefore, the data related to Usui, in the table below, clearly shows that  
air permeability is not necessarily correlated with density.

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Japanese Patent Application Laid-Open No. 8-39958 to Usui et al. (hereafter "Usui 2"), discloses densities of 0.72 g/cm<sup>3</sup>, 0.80 g/cm<sup>3</sup>, 0.64 g/cm<sup>3</sup>, 0.67 g/cm<sup>3</sup> (Table 1). Accordingly, I have taken printing plates such as the ones disclosed in Usui 2 having the above-noted densities and obtained substantially similar air permeability characteristic (in sec). That is, the data related to Usui 2, in the table below, shows that while density may vary, air permeability may remain substantially the same. Further evidencing that density does not necessarily flow from air permeability.

Cited Reference	Remarks	Disclosed Example	Density (g/cm <sup>3</sup> )	Air permeability (sec)
Usui	Fixed air permeability interleaf paper	Example 1	0.8	15
		Example 2	0.8	300
		Control	0.8	13
		Example 1	0.8	400 or above
Usui 2	Fixed density heavy paper	Example 2	0.8	400 or above
		Example 1	0.72	1000 or above
		Example 2	0.80	1000 or above
		Conventional Example 1	0.64	1000 or above
		Conventional Example 2	0.67	1000 or above

## 2. Interleaf of Hayashi Cannot be Used for the Printing Plates of Claims 2 and 13.

Hayashi discloses that the preferred smoothness of the interleaf sheet is at 200 seconds or greater (col. 2, lines 51 to 54). However, at a preferred smoothness of Hayashi, peelability from the non-image forming surface remarkably deteriorates.

Smoothness (sec)	3-55	65	100, 140, 190, 250, 420, 560, 600, 755, 900
Peelability from non-image forming surface	Sufficient	Insufficient	insufficient
Disclosure in specification	Yes		No (new data)

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The data of smoothness was obtained according to JIS P 8119 (ISO 5627:1995).

With respect to the image forming surface, at a smoothness of 1000 seconds or over peelability from the image forming surface remarkably deteriorates.

Smoothness (sec)	307	8-560	600-900	1000 or over
Peelability from image forming surface	sufficient	good	sufficient	insufficient
Disclosure in specification	Yes			No (new data)

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 11, 2006

Takayuki Usui  
Takayuki Usui  
Chief Engineer, Patent Department  
FUJI PHOTO FILM CO., LTD.